

LUPE MARTINEZ, CSBN 49620
 Attorney at Law
 1010 West Taylor Street
 San Jose, California 95126
 TEL: (408) 971-4249
 FAX (408) 286-5705
martinez-luna@sbcglobal.net

Attorney for Defendant
 Viviana Rodriguez

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VIVIANA RODRIGUEZ,

Defendant.

No. CR 10-00931LKH (PSG)

STIPULATION TO
~~PROPOSED~~ ORDER

Honorable Lucy H. Koh
 United States District Judge

Defendant Viviana Rodriguez and the government through their respective counsel, Lupe Martinez and Assistant United States Attorney Daniel Kaleba, hereby stipulate that the status conference presently set for August 24, 2011 at 10:00 a.m. be continued to September 14, 2011 at 10:00 a.m.

This continuance is necessary because defense counsel Lupe Martinez has a preliminary hearing set on August 24, 2011 at 9:00 a.m. in the Sonoma County Superior Court, Santa Rosa, California in the case entitled *People of the State of California v. David Hawker and Judith Hawker*, SCR 574887.

Stipulation and ~~Proposed~~ Order to
 Continue Status Conference

1 The continuance is also necessary because defense counsel has been involved in a five-
 2 month jury trial in the United States District Court in San Francisco since March 2011 to the
 3 present time in the case entitled *United States v. Angel Noel Guevara*, CR 08-00730-WHO.
 4 Although the court in *Guevara* will be dark during the week of August 22, 2011, the length
 5 of the trial has required the continuance of *People v. David and Judith Hawker*, on several
 6 occasions and delayed scheduling the preliminary hearing.

7 The Deputy Courtroom Clerk has advised that the date of September 14, 2011 at 10:00
 8 a.m. is available on the Court's calendar.

9 The parties stipulate that the time period from August 24, 2011 to September 14, 2011
 10 may be excluded under the Speedy Trial Act, 18 U.S.C. 3161(h)(8)(B)(iv) which allows for
 11 the exclusion of time when the failure to grant a continuance would deny defendant
 12 continuity of counsel and reasonable time necessary for effective preparation, even if the case
 13 is not so unusual or complex so as to fall within 18 U.S.C. §3161(h)(8)(B)(ii).

14 So Stipulated.

15 Date: August 15, 2011

Date: August 15, 2011

16 s/s Lupe Martinez

s/s Daniel Kaleba

17 LUPE MARTINEZ
 18 Attorney for Defendant
 Viviana Rodriguez

DANIEL KALEBA
 Assistant United States Attorney

19 ORDER

20 GOOD CAUSE APPEARING,

21 IT IS ORDERED that the status conference presently set for August 24, 2011 is
 22 continued to September 14, 2011 at 10:00 a.m. n the above-entitled case.

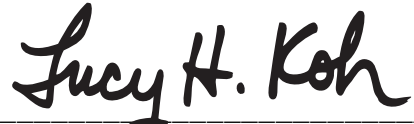
23 IT IS FURTHER ORDERED that the time period from August 24, 2011 to September
 24 14, 2011 excluded under the Speedy Trial Act, 18 U.S.C. 3161(h)(8)(B)(iv) which allows for
 25 the exclusion of time when the failure to grant a continuance would deny defendant
 26

Stipulation and Proposed Order to
 Continue Status Conference

1 continuity of counsel and reasonable time necessary for effective preparation, even if the case
2 is not so unusual or complex so as to fall within 18 U.S.C. §3161(h)(8)(B)(ii).

3 SO ORDERED.

4 Dated: August 22, 2011



HONORABLE LUCY H. KOH
United States District Judge